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APR 02 2008

REMARKS

This is a full and timely response to the non-final Official Action mailed January 8, 2008. Reconsideration of the application in light of the following remarks is respectfully requested.

Claim Status:

Claims 19-51 were withdrawn from consideration under a previous Restriction Requirement and cancelled previously without prejudice or disclaimer.

No claims are amended, cancelled or added by the present paper. Thus, claims 1-18 are currently pending for further action.

Prior Art:

Claims 1-18 were rejected under 35 U.S.C. § 103(a) over the combined teachings of U.S. Patent App. Pub. No. 2005/0082710 to Oriakhi et al. ("Oriakhi '710") and U.S. Patent App. Pub. No. 2001/0050031 to Bredt et al. ("Bredt"). This rejection is respectfully traversed under 35 U.S.C. § 103(c).

35 U.S.C. § 103(c) states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicant notes that Oriakhi '710 is available as prior art against the present application *only* under 35 U.S.C. § 102(e). This fact is explicitly recognized in the Office Action at page 3. Specifically, the present application was filed October 28, 2003. Oriakhi

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'710 was filed October 14, 2003, but not published until April 21, 2005, well after the filing date of the present application. Consequently, Oriakhi '710 is available as prior art against the present application only under 35 U.S.C. § 102(e).

Applicant also notes that both Oriakhi '710 and the present application, which is also the work of Christopher Oriakhi et al., are assigned to the Hewlett-Packard Development Co., L.P. Specifically, the present application is assigned to the Hewlett-Packard Development Co., L.P. as evidenced by the recorded assignment at reel/frame 014658/0427. Oriakhi '710 is also assigned to the Hewlett-Packard Development Co., L.P. as evidenced by the recorded assignment at reel/frame 014618/0066.

Applicant hereby states that the subject matter of both the present application and the Oriakhi '710 reference was, at the time the invention of the present application was made, owned by, or subject to an obligation of assignment to, the same person, i.e., Hewlett-Packard Development Co., L.P. (*See MPEP § 706.02(l)(2)*).

Consequently, under 35 U.S.C. § 103(c), Oriakhi '710 cannot be applied as prior art against the present application under 35 U.S.C. § 103(a). Therefore, the rejection of claims 1-18, which applies Oriakhi '710 under § 103(a), must be reconsidered and withdrawn.

Claims 1-18 were also provisionally rejected on grounds of non-statutory obviousness-type double patenting in view of co-pending Application No. 10/686,423, which is Oriakhi '710, in combination with the teachings of Bredt. For at least the following reasons, this rejection should be reconsidered and withdrawn.

According to the Office Action, "[c]laims 1-17 of Application No. 10/686,423 [Oriakhi '710] recite the instantly-claimed process, except for a binder which includes

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reactive monomers.” (Action, p. 6). Consequently, the Action cites to Bredt for this subject matter.

However, this statement regarding the similarity of claims 1-17 of Oriakhi ‘710 and the claims of the present application is inaccurate. Claim 1 recites:

A method for solid free-form fabrication of a three-dimensional object, comprising:

depositing a particulate blend in a defined region, *said particulate blend including radical source particulates, polyacid particulates, multivalent cation particulates, and calcium phosphate source particulates;*

ink-jetting a liquid phase binder onto a predetermined area of said particulate blend to form hydrated cement in said predetermined area, wherein said liquid phase binder is acidic and includes reactive monomers; and

setting said hydrated cement.

(Emphasis added).

In contrast, claim 1 of Oriakhi ‘710, for example recites:

A method for solid free-form fabrication of a three-dimensional object, comprising: depositing a particulate blend in a defined region, said particulate blend including reactive glass ionomer particulates, cross-linkable polyacid particulates including polyvinyl pyrrolidone-co-polyacrylic acid, and nanocomposites;

ink-jetting an aqueous phase binder onto a predetermined area of said particulate blend to form hydrated cement in said predetermined area; and
hardening said hydrated cement.

Without addressing the proposed combination of the teachings of Oriakhi ‘710 and Bredt with regard to the use of reactive monomers, Applicant notes that claims 1-17 of Oriakhi ‘710 do not recite or suggest a method include depositing a blend of particulates including “radical source particulates, ... multivalent cation particulates, and calcium phosphate source particulates.” (Claim 1 of the present application). The recent Office Action fails to indicate how or where the claims of Oriakhi ‘710 in view of Bredt include any of this subject matter.

Consequently, claims 1-18 of the present application are *not* commensurate in scope with, or obvious in view of, the claims of Oriakhi ‘710 considered in light of the teachings of

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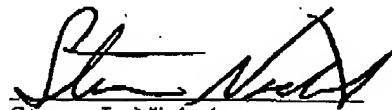
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Bredt. Therefore, the provisional double-patenting rejection of claims 1-18 of the present application should be reconsidered and withdrawn.

Conclusion:

In view of the following arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. If the Examiner has any comments or suggestions which could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,



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DATE: April 2, 2008

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